

United States District Court

EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUDGMENT IN A CIVIL CASE

Case No. 14-C-1156

BENJAMIN BOURDO, NICOLE BOURDO,
PROHEALTH CARE MEDICAL ASSOCIATES,
WAUKESHA MEMORIAL HOSPITAL, INC.,
DISCOVERY BAN, BANCO SERVICES, INC.,

Defendants.

The above-entitled action having been heard by the Honorable Charles N. Clevert, Jr., United States District Judge of the Eastern District of Wisconsin, and the Court having entered Summary Judgment in favor of the United States,

IT IS ORDERED AND ADJUDGED that the mortgaged premises which are the subject of this action are described as follows:

See legal description attached hereto as Exhibit A

IT IS FURTHER ORDERED AND ADJUDGED that the secured chattel which is the subject of this action is described in the Security Agreement dated May 23, 2011, and attached hereto as Exhibit B.

IT IS FURTHER ORDERED AND ADJUDGED that there is now due and owing to the plaintiff the following sum:

Principal Balance	\$317,340.50
Accrued Interest to May 19, 2015	\$ 37,987.84
Accrued Interest from May 20 to August 18	\$ 3,155.72 (\$35.0635 x 90 days)
Lis Pendens Fees	\$ 30.00

together with the disbursements of this action as taxed, and as to be taxed by the Clerk of Court, all with interest after August 26, 2015, at the post-judgment legal rate.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff is entitled to immediate possession of the items of security remaining in possession of the defendants, Benjamin Bourdo and Nicole Bourdo, on which the Farm Service Agency has a secured interest and are described in the Security Agreement attached as Exhibit B.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff may exercise its right to have execution issued and require the United States Marshal to take possession of said items of security at any time after the date of this judgment, and deliver the items of security to the plaintiff, and that a writ of execution shall be issued if necessary to secure such possession.

IT IS FURTHER ORDERED AND ADJUDGED that these items of security may be sold individually or as a whole at private sale or at public sale by or under the direction of the United States Marshal and that the sale proceeds, after the costs of sale are deducted, shall be paid over to the Clerk of Court.

IT IS FURTHER ORDERED AND ADJUDGED that all sums hereafter advanced by the plaintiff for insurance, necessary repairs, taxes, and costs of this action not included in the judgment, with interest thereon from the date of payment at the legal post-judgment rate may be added to the judgment by order at any time after the entry thereof.

IT IS FURTHER ORDERED AND ADJUDGED that the property be sold as a whole or in parts at public auction in the County of Walworth, State of Wisconsin, by and under the direction of the United States Marshal for the Eastern District of Wisconsin at any time after the date of entry of this judgment, unless previous to that date the premises and judgment shall be redeemed in the manner provided by law, by payment of the total amount of such judgment, together with costs and interest thereon at the legal rate, and any further judgment amounts by reason of taxes or insurance premiums paid.

IT IS FURTHER ORDERED AND ADJUDGED that in case of sale pursuant hereto, the United States Marshal shall notice and conduct said sale in the manner

provided by law and the usual custom of the Eastern District of Wisconsin; including the requirement that the Marshal shall accept from the purchaser at such sale, as a deposit or down payment, not less than ten (10) percent, in which case, such amount shall be so deposited with the Clerk of Court, and the balance of the sale price should be paid to the Clerk of Court by the purchaser within thirty (30) days of the date of sale, except that if plaintiff be the successful bidder at such sale, the United States Marshal may take the receipt of plaintiff in lieu of cash payment;

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff shall be paid first out of the sale proceeds of the property,

IT IS FURTHER ORDERED AND ADJUDGED that the sale of said premises shall be subject to confirmation of the Court by order, and said order shall, if appropriate, provide for confirmation of sale, issuance of a Marshal's Deed, and disbursement of funds to satisfy the above-owed amounts.

IT IS FURTHER ORDERED AND ADJUDGED that if the proceeds of the sale of the mortgaged premises that are paid to the plaintiff are less than the amount owed to the plaintiff, that a deficiency judgment be entered against Benjamin Bourdo and Nicole Bourdo.

IT IS FURTHER ORDERED AND ADJUDGED that after confirmation of the sale by the Court, if there are surplus proceeds after the plaintiff has been paid in full, such proceeds be held by the Clerk of Court and subject to further order of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that upon the confirmation of the sale of the mortgaged premises, the purchaser or purchasers, or his or their heirs, representatives or assigns, be let into possession of the premises sold, upon production of the United States Marshal's Deed thereto or duly authenticated copy thereof; that each and every one of the parties to this action who may be in possession of the premises, and every other person who since the filing of the notice of pendency of this action has come into possession of the same or any part thereof under them or either of them shall

deliver to such grantee or grantees named in such deed, possession of the mortgaged premises; and that a writ of assistance be issued by the Clerk of Court upon application by plaintiff if necessary to secure such possession.

IT IS FURTHER ORDERED AND ADJUDGED that the defendants, their heirs, successors and assigns, and all persons claiming under them after the filing of notice of pendency of this action, be forever barred and foreclosed of all right, title, interest and equity of redemption in the chattel and mortgaged premises.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff may pay any taxes on the mortgaged premises, or insurance premiums accruing against same, now due or which shall hereafter become due before the sale thereof, and have a lien on the premises for the amount so paid, with interest thereon from the date of payment at the post-judgment legal rate, and that in the event any such payments are made, the plaintiff may obtain an order directing that the amount so paid with interest be likewise paid upon the mortgaged premises.

IT IS FURTHER ORDERED AND ADJUDGED that the defendants and all persons claiming under them be and they are hereby enjoined from committing waste upon the chattel and mortgaged premises and from doing any act that may impair the value of the same, unless meanwhile the premises shall have been duly redeemed as provided by law.

APPROVED: s/ C.N. CLEVERT, JR.
C.N. CLEVERT, JR.
U.S. District Judge

8/26/2015
Date

JON W. SANFILIPPO
Clerk

s/ C. Fehrenbach
(By) Deputy Clerk